IN THE HIGH COURT OF JUDICATURE AT BOMBAY

IN ITS INSOLVENCY JURISDICTION

PETITION NO. 38 OF 1962

Re: Bharalal L. Mistry. ... Insolvent.

....

Mr. V.L. Indulkar, Insolvency Registrar present.

Mr. G.G. Ketkar, 1st Assistant to Official Assignee present.

.....

CORAM : DR. D.Y. CHANDRACHUD,J.

22ND DECEMBER 2006.

P.C. :

1. The Official Assignee has placed a report before this Court in terms of Rule 136 of the Bombay Insolvency Rules, 1910. The Insolvent has not applied under Section 38 of the Presidency Towns Insolvency Act, 1909 under which the Insolvent is permitted at any time after the order of adjudication to apply before the Court for an order of discharge.

2. The Official Assignee has stated in his report that there is no possibility of further recovery in future. Notice has been sent under Rule 136 of the Bombay Insolvency Rules, 1910, disclosing the intention of the Assignee to place the insolvency for annulment. The notice has been published in the Official Gazette.

3. In the circumstances set out in the report of the Official Assignee, an order of annulment is passed in terms of prayer clause (a) of the report.